

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON**

SHELIA R. COMBS, as Administratrix
of the estate of **MILDRED F. GOLLIE**,
surviving spouse of **JOE GOLLIE**,
LEONARD J. STAYTON and
LEONARD J. STAYTON P.S.C.,

Plaintiffs,

v.

Case No. 2:11-CV-00794

ELKAY MINING COMPANY,

Defendant.

JOINT STATUS REPORT

In accordance with the September 30, 2013 Order (Document 39), the parties are required to file a status report on or before October 30, 2013.

As previously explained in the Joint Report of the Rule 26(f) Meeting (Document 38), on February 15, 2013, the Department of Labor District Director issued two orders requiring Elkay Mining Company to pay to the following:

1. Shelia R. Combs, as Administratrix of the estate of Mildred F. Gollie, in the amount of \$6,603.96, representing the 20% additional compensation due pursuant to 20 C.F.R. § 725.607(a); and
2. Leonard Stayton in the amount of \$10,617.31 representing interest on attorney fees awarded by order dated December 16, 1999 pursuant to 20 C.F.R. § 725.608(c).

Elkay Mining Company's third-party administrator mailed these checks for \$6,603.96 and \$10,617.31 on April 26, 2013.

Two outstanding issues still require resolution. First, Mr. Stayton's and Mr. Cline's fee petitions, which have been exchanged with Elkay Mining Company, will be submitted to this Court for approval. Elkay Mining Company has no objection to the proposed fee petitions. Second, the parties will contact the Department of Labor to determine if interest is payable on the 20% additional compensation, as the February 15, 2013 order was unclear as to whether there is any interest owed by Elkay Mining Company. Upon approval and payment of the attorney fees and resolution of the interest issue, this civil action will be dismissed by agreement, with prejudice.

Respectfully Submitted,

By Counsel.

/s/ Charles J. Crooks

Charles J. Crooks (Bar No. 4633)
Francesca Tan (Bar No. 4950)
Jackson Kelly PLLC
150 Clay Street
P.O. Box 619
Morgantown, WV 26505
(304) 284-4111
CCrooks@JacksonKelly.com
FTan@JacksonKelly.com
Counsel for Elkay Mining Company

/s/ Leonard J. Stayton

Leonard J. Stayton
P.O. Box 1386
Inez, KY 41224
staytonlawoffice@bellsouth.net
*Counsel for SHELIA R. COMBS, as
Administratrix of the estate of
MILDRED F. GOLLIE, surviving
spouse of JOE GOLLIE, LEONARD J.
STAYTON and LEONARD J.
STAYTON P.S.C.*

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CERTIFICATE OF SERVICE

I, Charles J. Crooks, counsel for defendant, Elkay Mining Company, do hereby certify that I have this day electronically filed a true and correct copy of the foregoing “**JOINT STATUS REPORT**” with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

John C. Cline
P.O. Box 47
Piney View, WV 25906
jccline@suddenlink.net

Leonard J. Stayton
P.O. Box 1386
Inez, KY 41224
staytonlawoffice@bellsouth.net

This 30th day of October, 2013.

/s/ Charles J. Crooks

Charles J. Crooks, Esq.